

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DAVID PHILLIPS,

No. C 06-2549 SI

Plaintiff,

**ORDER DISMISSING ACTION**

v.

RICHARD BOWLES, et al.,

Defendants.

By order filed October 30, 2006, the Court dismissed plaintiff's complaint with leave to amend, and provided plaintiff until November 17, 2006 to file an amended complaint. On November 3, 2006, plaintiff filed a request to deem the Court's October 30, 2006 order "final and appealable." On November 17, 2006, plaintiff did not file an amended complaint, and instead filed a Notice of Interlocutory Appeal of the October 30, 2006 order.

In light of the fact that plaintiff has not filed an amended complaint, the Court hereby dismisses the action. Final judgment against plaintiff and in favor of defendants will be entered accordingly. Plaintiff's November 3, 2006 request is denied as moot.

**IT IS SO ORDERED.**

Dated: November 21, 2006



SUSAN ILLSTON  
United States District Judge